

ESTTA Tracking number: **ESTTA320517**

Filing date: **12/07/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	PHILIPPE CHARRIOL INTERNATIONAL BV
Granted to Date of previous extension	02/03/2010
Address	Zeemansstraat 13 3016 CN Rotterdam, 0000 NETHERLANDS

Name	PhilippeCharriol
Granted to Date of previous extension	02/03/2010
Address	Chalet 74120 Megeve, 00000 FRANCE

Attorney information	B. Parker Livingston Buchanan Ingersoll & Rooney, PC 1737 King Street - Suite 500 Alexandria, VA 22314 UNITED STATES jennifer.williston@bipc.com, parker.livingston@bipc.com, lloyd.smith@bipc.com Phone:703-836-6620
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Applicant Information

Application No	77744305	Publication date	10/06/2009
Opposition Filing Date	12/07/2009	Opposition Period Ends	02/03/2010
Applicant	Sarah Cosmetics, Inc. 505 N. Bowser Rd. Richardson, TX 75081 UNITED STATES		

Goods/Services Affected by Opposition


Class 003.

All goods and services in the class are opposed, namely: Cosmetic creams for skin care; Cosmetics and make-up

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77388813	Application Date	02/05/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	C CHARRIOL		
Design Mark			
Description of Mark	The mark consists of a stylized letter "C" containing two designs of crossed arrows over the wording "CHARRIOL" in upper case lettering.		
Goods/Services	Class 003. First use: Perfumes; toilet water; eaux de Cologne; perfumed milks for the body, face, and skin; perfumed creams; essential oils for personal use; perfumed skin and body soaps; deodorant soaps; shaving preparations, namely shaving soaps, after-shave lotions; cosmetic preparations; cosmetics, namely creams and lotions for the body, the face and the hands; cosmetic preparations for skin care namely, oils, creams, milks and lotions; deodorants for personal use		


U.S. Registration No.	2398922	Application Date	01/26/1998
Registration Date	10/31/2000	Foreign Priority Date	10/27/1997
Word Mark	CHARRIOL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Optical spectacles, sunglasses, spectacle glasses, spectacle frames and spectacle cases Class 016. First use: Writing instruments and parts thereof, namely, pencils, pens, nibs, fountain pens, felt tip pens; [diaries] Class 018. First use: Bags, namely, handbags, travel bags, luggage trunks, suitcases, valises, luggage, pocket wallets, purses not of precious metals, briefcases, card cases for business cards, credit cards and calling cards; leather key cases; umbrellas; [beauty cases sold empty; leather cases for polishing kits sold empty and		


	traveling leather luggage sold as a set]
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U.S. Registration No.	2231424	Application Date	04/15/1997
Registration Date	03/16/1999	Foreign Priority Date	11/21/1996
Word Mark	CHARRIOL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: [precious metals and their alloys and goods in precious metals or coated therewith, namely, jewel cases, statues and figurines of precious metal; hat ornaments of precious metal; smoker's articles of precious metal, namely, ash tray, cigar and cigarette cases, snuff boxes; tableware services of precious metal (except cutlery), namely, dishes, table plates, goblets, sugar bowls, pepper pots, salt shakers, cruet stands for oil and vinegar, saucers, soup bowls, egg cups and napkin rings;] tie pins, cuff links, buckles, pendants, and key rings, all of precious metal; jewelry; [precious stones;] horological and other chronometric instruments, namely, clocks, watches, [pocket watches, small clocks, alarm clocks,] chronometers, watch bands, [clock and] watch-making dials, watch glasses, [cases,] watch cases, cases for watches (presentation), [cases for clock and watch making]		

U.S. Registration No.	1421840	Application Date	06/27/1985
Registration Date	12/23/1986	Foreign Priority Date	01/08/1985
Word Mark	PHILIPPE CHARRIOL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: CLOCKS, WATCHES [, CHRONOMETERS,] AND PARTS AND FITTINGS THEREOF; JEWELRY		

U.S. Registration No.	1826190	Application Date	02/11/1993
Registration Date	03/15/1994	Foreign Priority Date	NONE
Word Mark	PHILIPPE CHARRIOL		

Design Mark	 PHILIPPE CHARRIOL
Description of Mark	NONE
Goods/Services	Class 009. First use: spectacles; namely, optical spectacles, sunglasses, spectacle frames, glasses, and cases

U.S. Registration No.	1640486	Application Date	08/10/1989
Registration Date	04/09/1991	Foreign Priority Date	NONE
Word Mark	PHILIPPE CHARRIOL C		
Design Mark	PHILIPPE CHARRIOL 		
Description of Mark	NONE		
Goods/Services	Class 018. First use: GOODS MADE OF LEATHER AND IMITATION LEATHER, NAMELY, PURSES, HANDBAGS, WALLETS, SUIT CASES, CREDIT CARD CASES, BUSINESS CARD CASES, CALLING CARD CASES, LEATHER KEY CASES, WALLETS WHICH ALSO HOLD BUSINESS, CREDIT OR CALLING CARDS		

Attachments	77388813#TMSN.jpeg (1 page)(bytes) 75422814#TMSN.gif (1 page)(bytes) 73545280#TMSN.gif (1 page)(bytes) 74357788#TMSN.gif (1 page)(bytes) 73822626#TMSN.gif (1 page)(bytes) NOO.pdf (8 pages)(268098 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/BPL/
Name	B. Parker Livingston
Date	12/07/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Philippe Charriol International BV and

Philippe Charriol,

Opposers,

v.

Sarah Cosmetics, Inc.

Applicant.

Attorney Docket No. 1030821-000359

Opposition No. _____

NOTICE OF OPPOSITION

Commissioner for Trademarks
BOX TTAB
P.O. Box 1451
Alexandria, Virginia 22313-1451

Commissioner:

In the matter of U.S. Application Serial No. 77/744,305, filed on May 26, 2009 by Sarah Cosmetics, Inc. ("Applicant"), to register the mark PH.CHAROL in connection with the goods "Cosmetic creams for skin care; Cosmetics and make-up" in International Class 3, and published in the *Official Gazette* on October 6, 2009, Philippe Charriol International BV and Philippe Charriol ("Opposers") believe they will be damaged by the registration of Applicant's PH.CHAROL mark in connection with the goods listed therein, and hereby opposes the same. The grounds for this opposition are as follows:

1. Opposer, Philippe Charriol International BV, is a Dutch Besloten Vennootschap, located and doing business at Zeemansstraat 13, 3016 CN Rotterdam, Netherlands.

2. Opposer, Philippe Charriol is a French citizen with an address at Chalet 74120 Megeve, France. Philippe Charriol is the director and largest shareholder of Philippe Charriol International BV.

3. Applicant is a Texas corporation, located and doing business at 505 N. Bowser Road, Richardson, Texas, 75081.




4. Opposer Philippe Charriol International BV is the owner of U.S. Application Serial No. 77/388,813 for the mark CHARRIOL and C design, as viewed below:



"Perfumes; toilet water; eaux de Cologne; perfumed milks for the body, face, and skin; perfumed creams; essential oils for personal use; perfumed skin and body soaps; deodorant soaps; shaving preparations, namely shaving soaps, after-shave lotions; cosmetic preparations; cosmetics, namely creams and lotions for the body, the face and the hands; cosmetic preparations for skin care namely, oils, creams, milks and lotions; deodorants for personal use" in International Class 3 ("Opposer's Goods"), which was filed on February 5, 2008 based on an Intent to Use the mark in commerce and published in the *Official Gazette* on December 3, 2008.

Opposers Philippe Charriol International BV and Philippe Charriol are also the owners of the following trademark registrations, all which comprise CHARRIOL or PHILIPPE CHARRIOL:

Trademark	Reg. No.	Goods	Owner	Status
CHARRIOL	2,398,922	(Int'l Class: 9) Optical spectacles, sunglasses, spectacle glasses, spectacle frames and spectacle cases (Int'l Class: 16) Writing instruments and parts thereof, namely, pencils, pens, nibs, fountain pens, felt tip pens; [diaries] (Int'l Class: 18) Bags, namely, handbags, travel bags, luggage trunks, suitcases, valises, luggage, pocket wallets, purses not of precious metals, briefcases, card cases for business cards, credit cards and calling cards; leather key cases; umbrellas; [beauty cases sold empty; leather cases for polishing kits sold empty and traveling leather luggage sold as a set]	Charriol, Philippe (France Citizen) Chalet 74120 Megeve France	Registered 8 & 15 January 7, 2007 Filed: January 26, 1998 Published: August 8, 2000 Registered: October 31, 2000
CHARRIOL	2,231,424	(Int'l Class: 14) [Precious metals and their alloys and goods in precious metals or coated therewith, namely, jewel cases, statues and figurines of precious metal; hat ornaments of precious metal; smoker's articles of precious metal, namely, ash tray, cigar and cigarette cases, snuff boxes; tableware services of precious metal (except cutlery), namely, dishes, table plates, goblets, sugar bowls, pepper pots, salt shakers, cruet stands for oil and vinegar, saucers, soup bowls, egg cups and napkin rings;] tie pins, cuff links, buckles, pendants, and key rings, all of precious metal; jewelry; [precious stones;] horological and other chronometric instruments, namely, clocks, watches, [pocket watches, small clocks, alarm clocks,] chronometers, watch bands, [clock and] watch-making dials, watch glasses, [cases,] watch cases, cases for watches (presentation), [cases for clock	Philippe Charriol International B.V. (Netherlands Corp.) Zeemansstraat 13 NI-3016 Cn Rotterdam Netherlands	Renewed Principal Register - Sec. 2(F) 8 & 15 March 16, 2009 Filed: April 15, 1997 Published: July 14, 1998 Registered: March 16, 1999

Trademark	Reg. No.	Goods	Owner	Status
		adn watch making]		
 PHILIPPE CHARRIOL	1,421,840	(Int'l Class: 14) Clocks, watches [, chronometers,] and parts and fittings thereof; jewelry	Charriol, Philippe (France Citizen) Chalet Le Sartor, Hermine Blanche Megeve France	Renewed 8 & 15 December 23, 2006 Filed: June 27, 1985 Published: September 30, 1986 Registered: December 23, 1986
 PHILIPPE CHARRIOL	1,826,190	(Int'l Class: 9) Spectacles; namely, optical spectacles, sunglasses, spectacle frames, glasses, and cases	Charriol, Philippe (France Citizen) Chalet Le Sartor Hermine Blanche Megeve (Haute-Savoie) France	Renewed 8 Accepted March 15, 2004 Filed: February 11, 1993 Published: December 21, 1993 Registered: March 15, 1994
PHILIPPE CHARRIOL 	1,640,486	(Int'l Class: 18) Goods made of leather and imitation leather, namely, purses, handbags, wallets, suit cases, credit card cases, business card cases, calling card cases, leather key cases, wallets which also hold business, credit or calling cards	Charriol, Philippe (France Citizen) Chalet Le Sartor 74120 Hermine Blanche France	Renewed 8 & 15 April 9, 2001 Filed: August 10, 1989 Published: January 15, 1991 Registered: April 9, 1991

5. The marks in the above applications and registrations are collectively known as the "CHARRIOL Family of Marks." U.S. Registration Nos. 1,640,486, 1,826,190, 1,421,840, and 2,231,424 are incontestable. Opposers' CHARRIOL Family of Marks is well-known as a source identifier.

6. Applicant is the record owner of U.S. Application Serial No. 77/744,305, for the mark PH.CHAROL in connection with the goods "Cosmetic creams for skin care; Cosmetics and make-up" in International Class 3 ("Applicant's PH.CHAROL Mark").

7. Opposer Philippe Charriol International BV's filing date of February 5, 2008, for Application Serial No. 77/388,813 for CHARRIOL and C Design is prior to Applicant's filing date of May 26, 2009 for Applicant's PH.CHAROL Mark.

8. Prior to any use of Applicant's PH.CHAROL Mark by Applicant for Applicant's goods in commerce in the United States, Opposers have been and are now using the CHARRIOL Family of Marks in the United States as a source identifier.

9. Opposers enjoy a substantial and exclusive goodwill and a fine reputation throughout the United States in connection with the CHARRIOL Family of Marks for jewelry, leather goods, and other luxury items. Opposers' goodwill and reputation will be harmed by the use and registration of Applicant's PH.CHAROL Mark for Applicant's Goods.

10. Opposers' use of the CHARRIOL Family of Marks precedes any use Applicant has made of Applicant's PH.CHAROL Mark in connection with Applicant's Goods.

11. Opposers' rights in the CHARRIOL family of Marks are superior and prior to any alleged rights of Applicant in Applicant's PH.CHAROL Mark in connection with Applicant's Goods, and prior to the filing date of May 26, 2009 for Application Serial No. 77/744,305 for Applicant's PH.CHAROL Mark.

12. Applicant's PH.CHAROL Mark is highly similar to Opposer's CHARRIOL Family of Marks in sound, meaning, and commercial impression. The first element in Applicant's PH.CHAROL mark shares the first two letters of the Philippe Charriol name and trademark, PH, while the second element, CHAROL, is phonetically identical to the dominant term CHARRIOL that appears in the CHARRIOL Family of Marks, and the term CHAROL only lacks the letters RI that appear in the middle of the word CHARRIOL.

13. Applicant's goods are closely related, if not identical, to Opposer's goods, and will be sold to identical or highly similar types of customers and consumers through identical or highly similar channels of trade. Applicant's goods are closely related to the jewelry, leather

goods, perfumery and cosmetic products, and other luxury items included in the CHARRIOL Family of Marks.

14. Applicant's PH.CHAROL Mark so resembles Opposers' CHARRIOL Family of Marks as to be likely, when applied to Applicant's Goods, to cause dilution and a likelihood of confusion, mistake or to deceive persons by creating the erroneous impression that the Applicant's Goods originate with or are associated with the Opposers, or that the Applicant's Goods are authorized, endorsed or sponsored by the Opposers.

15. Applicant's filing of Application Serial No. 77/744,305 for Applicant's PH.CHAROL Mark is without license, authorization or permission from the Opposers.

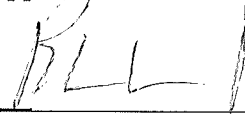
16. The granting of a trademark registration for Applicant's PH.CHAROL Mark to Applicant creates a likelihood of confusion and dilution contrary to 15 U.S.C. § 1052(d) and (f) and would violate and diminish the prior and superior rights of Opposers in Opposers' CHARRIOL Family of Marks.

17. Opposers would be damaged if Application Serial No. 77/744,305 is granted because Applicant will obtain statutory rights in Applicant's PH.CHAROL Mark in violation and derogation of the established prior rights of Opposers in Opposers' CHARRIOL Family of Marks.

WHEREFORE, Opposers pray that their Opposition be sustained, that Application Serial No. 77/744,305 be rejected and the registration of Applicant's PH.CHAROL Mark as a trademark to Applicant be refused, and for such other relief as may be deemed just and proper.

Respectfully submitted,

Philippe Charriol International BV
Philippe Charriol

By: 

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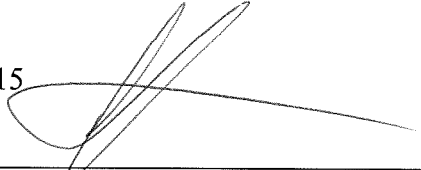
Attorneys for Opposer

Date: December 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served
this 7th day of December 2009 by first-class mail, postage prepaid, on:

Roger Aridi.
Sarah Cosmetics, Inc.
505 N Bowser Rd
Richardson, TX 75081-2815



Christine M. Korff